

LAGOMARSINO LAW

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JOHN CUNNINGHAM, an individual

Plaintiff,

v.

COLISEUM OPERATOR, LLC DBA
BREWSKE'S, a Nevada Limited Liability
Company; MANAGEMENT COMPANY, LLC,
a Nevada Limited Liability Company; CHAD
TYSON, an individual; BEAU WILLIAMS, an
individual

Defendants.

CASE NO: 2:17-cv-02296-RFB-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

Pursuant to LR IA 6-1, LR 7-1, and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the Discovery Deadline, Dispositive Motion Deadline and Pre-Trial Order Deadline in the above-captioned case by ninety (90) days for each respective deadline. This is the first stipulation for extension of time to extend the foregoing deadlines.

1. DISCOVERY COMPLETED TO DATE:

The parties have exchanged their initial disclosures. The Plaintiff has served discovery requests to Coliseum Operator, LLC dba Brewske's and Management Company, LLC. Plaintiff has served subpoenas on percipient witnesses. The Plaintiff has scheduled a site inspection for March 3, 2018.

1 **2. DISCOVERY REMAINING TO BE COMPLETED**

- 2 • Disclosure of expert witnesses, initial, and rebuttal;
- 3 • Serve relevant subpoena *duces tecum*;
- 4 • Deposition of Plaintiff;
- 5 • Deposition of Defendants' 30(b)(6) witness;
- 6 • Depositions of expert witnesses;
- 7 • Plaintiff will be moving the Court for default judgement against Defendants Chad
- 8 Tyson and Beau Williams; and
- 9 • Both parties may need to complete additional written discovery.

10 **3. REASON FOR REQUEST FOR EXTENSION OF DEADLINES:**

11 The parties stipulate to the extension of discovery deadlines in this case. Good cause is shown

12 to extend the discovery deadlines as the deadlines cannot be reasonably met despite the diligence of

13 the parties who seek the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F2d 604,608-09

14 (9th Cir. 1992).

15 There exists good cause for the issuance of this order: Plaintiffs' Counsel has a firm, seven

16 (7) day trial, starting February 20, 2018. Plaintiffs' Counsel also has trials scheduled in May, June,

17 and August. In January, 2018 the parties attended a settlement conference in front of Judge

18 Farenbach. The case did not resolve. In an effort to conserve resources, the parties are now

19 commencing discovery.

20 The parties are acting in good faith in filing this Stipulation and without an intent to

21 improperly delay the proceedings. Continuing the deadlines for completing discovery will not

22 prejudice either party of have a negative impact upon the judicial administration of this Court.

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4. PROPOSED SCHEDULE FOR DEADLINES:

Scheduled Event	Current Deadline	Proposed Deadline
Close of Discovery	May 14, 2018	Monday, August 13, 2018 ¹
Amend Pleadings/Add Parties	February 13, 2018	Monday, May 14, 2018
Initial Expert Disclosure Deadline	March 15, 2018	Wednesday, June 13, 2018
Rebuttal Expert Deadline	April 16, 2018	Monday, July 16, 2018 ²
Interim Status Report	March 15, 2018	Wednesday, June 13, 2018
Dispositive Motion Deadline	June 13, 2018	Tuesday, September 11, 2018
Pretrial Order	July 13, 2018	Thursday, October 11, 2018

Dated this 21st of February, 2018.Dated this 21st of February, 2018.

SUTTON HAGUE LAW CORPORATION, P.C.

LAGOMARSINO LAW

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IT IS SO ORDERED.

 UNITED STATES MAGISTRATE JUDGE

DATED: February 27, 2018

¹ With respect to the Discovery deadline, the deadline falls on Sunday, August 12, 2018. As a result, the Discovery deadline extends to the next court day of Monday, August 13, 2018, by operation of FRCP 6.

² With respect to the Rebuttal Expert deadline, the deadline falls on Sunday, July 15, 2018. As a result, the Rebuttal Expert deadline extends to the next court day of Monday, July 16, 2018, by operation of FRCP 6.